

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert W. Childers et al.
Appl. No.: 10/623,316
Conf. No.: 3437
Filed: July 17, 2003
Title: SYSTEMS AND METHODS FOR PERFORMING PERITONEAL DIALYSIS
Art Unit: 3761
Examiner: Patricia Bianco
Docket No.: DI-5766 (112713-439)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22312-1450

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Examiner:

Please enter the following Response in the above-identified patent application.

REMARKS

This Response is to the restriction/election requirement mailed on May 19, 2006. The restriction/election requirement requires Applicants to elect one of the following species under 35 U.S.C. § 121:


- I. Species A: CAPD (Peritoneal Dialysis) systems and methods.
- II. Species B: Hemodialysis systems and methods.

Applicants elect, with traverse, Species A: peritoneal dialysis (which would likely be CFPD or APD although the CAPD is not excluded necessarily) systems and methods. Applicants traverse concerns the finding that the claimed subject matter could not be applied to HD and PD. Applicants respectfully submit that it could. Both types of systems include a form of dialysate, which can be recirculated according to the claims. Indeed, the claimed dialyzer can be used in peritoneal dialysis (see Abstract). Indeed, claims 57 to 61 are directed to both PD and HD. Nevertheless, Applicants submit respectfully that Claims 1 to 12, 14 to 41 and 43 to 61 read on the elected Species A.

Appl. No. 10/855,873
Response to Restriction/Election Requirement of May 19, 2006

Respectfully submitted,

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Dated: May 30, 2006